

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

FRED L. PLUMP,)	
)	
Plaintiff,)	
)	
v.)	No. 2:07-cv-01014-MEF-CSC
)	
BOB RILEY, Governor,)	
)	
Defendant.)	

**GOVERNOR RILEY'S NOTICE IN RESPONSE TO THE
MEMORANDUM OPINION AND JUDGMENT OF THE COURT**

Governor Bob Riley, defendant in this action, respectfully gives this notice in response to the Court's Memorandum Opinion (doc. # 28) and Judgment (doc. # 29), as amended (*see* doc. # 32 & 33).

1. While Governor Riley respectfully disagrees with this Court's holding that preclearance is required, he intends to seek preclearance of applicable matters related to Governor Riley's appointment of General George Bowman to a vacant seat on the Jefferson County Commission.

2. Governor Riley does not waive any rights or positions by seeking preclearance, including, but not limited to, those specifically set out herein. Governor Riley does not waive his arguments raised previously in this action (and a related action) that preclearance is not required on the facts of this case. In addition, in the event the applicable authority has not ruled upon the preclearance submission within 90 days of January 22, 2008, Governor Riley reserves the right to request that this Court grant additional time for consideration of the preclearance submission. Moreover, in the event

that the appointment is vacated at some point by operation of the Court's Judgment, it is Governor Riley's position that the Judgment will at that time become appealable pursuant to 28 U.S.C. § 1253 and other applicable provisions. Governor Riley reserves all rights of mandamus or appellate review available.

WHEREFORE, Governor Riley respectfully gives notice that he intends to seek preclearance as set forth herein.

Respectfully submitted,

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Counsel for the Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of February, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel: Edward Still, Edward Still Law Firm LLC (Still@votelaw.com), and James U. Blacksher (jblacksher@ns.sympatico.ca).

s/ James W. Davis
James W. Davis (DAV103)